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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROBERT ANTHONY MENDOZA, JR.,  
  
Defendant.

CASE NO. 1:22-CR-00193-ADA-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: October 11, 2023

TIME: 1 p.m.

COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 11, 2023 at 1 p.m.
2. By this stipulation, the parties now move to continue the status conference until January 10, 2024, and to exclude time between October 11, 2023, and January 10, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The discovery has been provided to the defense.
  - b) The government has an approved plea offer and is in the process of preparing a plea agreement. Additional time is needed.
  - c) Counsel for defendant needs additional time to review discovery as well as conduct any investigation warranted. Counsel for defendant needs time to discuss the potential

1 resolution of the matter with the government. Counsel for defendant believes that failure to grant  
2 the above-requested continuance would deny him/her the reasonable time necessary for effective  
3 preparation, taking into account the exercise of due diligence.

4 d) Based on the above-stated findings, the ends of justice served by continuing the  
5 case as requested outweigh the interest of the public and the defendant in a trial within the  
6 original date prescribed by the Speedy Trial Act.

7 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
8 et seq., within which trial must commence, the time period of October 11, 2023 to January 10,  
9 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
10 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
11 of the Court's finding that the ends of justice served by taking such action outweigh the best  
12 interest of the public and the defendant in a speedy trial.

13 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
14 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
15 must commence.

16 IT IS SO STIPULATED.

17 Dated: October 5, 2023

18 PHILLIP A. TALBERT  
United States Attorney

19  
20 /s/ LAUREL J. MONTOYA  
LAUREL J. MONTOYA  
Assistant United States Attorney

21  
22 Dated: October 5, 2023

23 /s/ RICHARD BESHWATE, JR.  
RICHARD BESHWATE, JR.  
Counsel for Defendant  
24 ROBERT ANTHONY  
25 MENDOZA, JR.,

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**ORDER**

IT IS SO ORDERED that the status conference is continued from October 11, 2023, to **January 10, 2024, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **October 5, 2023**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE